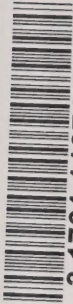


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SUBMISSION BY THE
HONOURABLE RICHARD B. HATFIELD
PREMIER OF NEW BRUNSWICK

TO THE
STANDING COMMITTEE ON
COMMUNICATIONS AND CULTURE

ON THE
CAPLAN SAUVAGEAU TASK FORCE REPORT

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MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I AM PLEASED TO HAVE THE OPPORTUNITY TO ADDRESS YOUR COMMITTEE REGARDING THE RECOMMENDATIONS OF THE CAPLAN-SAUVAGEAU TASK FORCE REPORT. ONE CANNOT OVER-EMPHASIZE THE IMPORTANCE OF THIS MATTER DUE TO ITS EFFECT ON ALL CANADIANS AND CONSIDERING THE MAJOR TECHNOLOGICAL ADVANCES IN BROADCASTING SINCE THE BROADCASTING ACT WAS ENACTED IN 1968.

PRINCIPLES AND OBJECTIVES

SECTION 3 OF THE EXISTING BROADCASTING ACT OUTLINES BROADCASTING POLICY FOR CANADA. IT IS ESSENTIAL THAT THIS KIND OF POLICY DIRECTION BE INCLUDED IN ANY NEW ACT SO THAT FUTURE DEVELOPMENT OF ALL THE VARIOUS COMPONENTS OF BROADCASTING CAN TAKE PLACE WITHIN A SPECIFIC POLICY FRAMEWORK. ONLY IN THIS WAY CAN WE ENSURE THAT COMMON POLICY OBJECTIVES WILL BE ATTAINED. I WILL ADDRESS SOME OF THE SPECIFIC POLICY MATTERS RAISED IN THE RECENT TASK FORCE REPORT. I CONCUR WITH THE INCLUSION OF THE PRINCIPLE THAT RADIO FREQUENCIES USED FOR BROADCASTING ARE PUBLIC PROPERTY. THE DEFINITIONS OF BROADCASTING AND RELATED CONCEPTS SHOULD BE BROAD ENOUGH TO INCLUDE THE LATEST TECHNOLOGY USED FOR BROADCASTING, RECEIVING AND DISTRIBUTING VIDEO AND AUDIO SIGNALS. IT IS VERY IMPORTANT THAT OWNERSHIP AND CONTROL OF BROADCASTING UNDERTAKINGS BE LIMITED TO CANADIANS.



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THE TASK FORCE HAS RECOGNIZED THAT THE CANADIAN BROADCASTING SYSTEM MUST SERVE THE SPECIAL NEEDS OF THE VARIOUS GEOGRAPHIC REGIONS OF OUR COUNTRY. A HEALTHY CANADIAN BROADCASTING INDUSTRY MUST PROVIDE A VERY GOOD QUALITY OF CANADIAN PRODUCTION WHICH UNITES OUR COUNTRY THROUGH A PROPER REFLECTION OF OUR VARIOUS REGIONS ON A NATIONAL BASIS.

NEW BRUNSWICK RESIDENTS STILL DO NOT RECEIVE THE FULL ENGLISH LANGUAGE TELEVISION SERVICE OF THE CBC. THE NATIONAL SERVICE IS PRESENTLY PROVIDED BY A PRIVATE AFFILIATE STATION, AND PLANS ARE NOW PROGRESSING TO LOCATE A NEW PRIVATE TELEVISION STATION IN OUR PROVINCE WHICH WILL ENABLE THE AFFILIATE TO CARRY VIRTUALLY ALL OF THE CBC PROGRAMMING. THIS VOID HAS RESULTED IN A TOTAL LACK OF A REFLECTION BY THE BROADCASTING MEDIA OF NEW BRUNSWICK CULTURE AND INTERESTS TO THE REST OF CANADA. THIS MUST CHANGE. THE RIGHT OF NEW BRUNSWICKERS TO RECEIVE BROADCASTING SERVICES AND TO HAVE ACCESS TO THE BROADCASTING SYSTEM MUST BE AFFIRMED IN THE ACT.

I AM PLEASED TO SEE THAT COMMUNITY BROADCASTING IS RECOGNIZED FOR THIS PURPOSE AS ONE OF THE COMPONENTS OF THE SYSTEM. THERE ARE NO COMMUNITY RADIO STATIONS IN NEW BRUNSWICK, OTHER THAN STUDENT RADIO BUT SEVERAL ARE UNDER ACTIVE CONSIDERATION.

AN INCREASE IN THE NUMBER OF PROGRAMS USING CLOSED CAPTIONING FOR THE HEARING IMPAIRED IS AN OBVIOUS REQUIREMENT WHICH MUST BE MET BY THE BROADCASTERS. THE RIGHT OF THE HEARING IMPAIRED TO RECEIVE BROADCASTING SERVICES CAN AND MUST BE MET.

BEING THE ONLY PROVINCE IN CANADA THAT RECOGNIZES TWO OFFICIAL LANGUAGES WE STRONGLY SUPPORT THE RECOMMENDATION THAT THE ACT SHOULD REAFFIRM THE RIGHT OF ALL CANADIANS TO BROADCASTING SERVICE IN FRENCH AND IN ENGLISH. NEW BRUNSWICK HAS SUPPORTED THIS RIGHT FOR A LONG TIME AS EVIDENCED BY MANY RECOMMENDATIONS FOR THE EXTENSION OF BROADCAST SERVICES IN BOTH OFFICIAL LANGUAGES WHICH I MADE IN SEVERAL APPEARANCES BEFORE THE CRTC.

MOST OF THESE RECOMMENDATIONS HAVE NOW BECOME A REALITY. VIRTUALLY EVERY PART OF NEW BRUNSWICK NOW RECEIVES OFF-AIR RADIO AND TELEVISION SERVICE IN ENGLISH AND FRENCH AND AN OFF-AIR ALTERNATE IS AVAILABLE IN MANY CASES. WE ARE ANTICIPATING THAT AN OFF-AIR ALTERNATE WILL BE AVAILABLE FOR ALL THESE SERVICES THROUGHOUT THE PROVINCE IN THE NEAR FUTURE.

ALTHOUGH WE RECOGNIZE THAT BROADCASTING IS ULTIMATELY A FEDERAL RESPONSIBILITY, WE STRONGLY SUPPORT THE RECOMMENDATION THAT THE PRINCIPLE OF FEDERAL/PROVINCIAL CONSULTATION SHOULD BE PART OF THE BROADCASTING ACT. THIS IS CERTAINLY CONSISTANT WITH OUR POSITION THAT, REGARDLESS OF JURISDICTION, CONSULTATION BETWEEN THE TWO LEVELS OF GOVERNMENT IS ESSENTIAL TO THE REALIZATION OF COMMON OBJECTIVES. INCLUSION OF THIS PRINCIPLE IN THE NEW ACT WILL ENSURE THAT THIS CONSULTATION TAKES PLACE ON AN ONGOING BASIS.

POLICY-MAKING AND REGULATION

WE STRONGLY SUPPORT THE RECOMMENDATION THAT THE ACT SHOULD RECOGNIZE GOVERNMENT ENTITLEMENT TO ISSUE DIRECTIVES TO THE CRTC. WE BELIEVE THAT THESE DIRECTIVES SHOULD BE IN THE FORM OF REGULATIONS STATING POLICIES AND RULES TO BE OBSERVED BY THE CRTC AND SHOULD NOT BE DIRECTED SPECIFICALLY TO ANY APPLICATION, MATTER OR DECISION PENDING BEFORE THE COMMISSION. THE NEW BRUNSWICK GOVERNMENT FIRMLY BELIEVES THAT IT IS A GOVERNMENT RESPONSIBILITY TO SET PUBLIC POLICY AND THAT REGULATION SHOULD TAKE PLACE WITHIN THE BOUNDS OF THE POLICY FRAMEWORK. SEVERAL YEARS AGO, BOTH THE PUBLIC UTILITIES ACT AND THE MOTOR CARRIER ACT IN NEW BRUNSWICK WERE AMENDED TO ALLOW FOR POLICY DIRECTION TO THE REGULATORY BOARDS FROM THE PROVINCIAL GOVERNMENT. INCLUSION OF SUCH A CLAUSE IN THE BROADCASTING ACT WOULD PROVIDE ASSURANCE THAT THE GOVERNMENT, AND NOT THE CRTC, WILL ESTABLISH BROADCASTING POLICY FOR CANADA.

WE AGREE THAT THE ACT SHOULD CONTINUE TO PROVIDE FOR BROAD CRTC POWER TO SET CONDITIONS OF LICENCE WHICH SHOULD BE ADAPTED TO THE CIRCUMSTANCES OF EACH LICENSEE. THIS WOULD ELIMINATE THE NEED TO ESTABLISH REGULATIONS TO RESOLVE VERY SPECIFIC AND LIMITED SITUATIONS WHICH WOULD, IN TURN, HINDER THE OPERATION OF MANY OTHER BROADCASTERS.

WE STRONGLY OPPOSE THE RECOMMENDATION THAT THE POSITIONS OF PART-TIME MEMBERS OF THE CRTC BE ELIMINATED. THESE PART TIME MEMBERS, FROM ALL THE REGIONS OF THE COUNTRY, HAVE BEEN THE MECHANISM WHEREBY REGIONAL INTERESTS ARE REFLECTED IN THE DECISIONS OF THE REGULATORY AGENCY. THESE POSITIONS SHOULD BE KEPT AND THEIR AUTHORITY SHOULD BE INCREASED BY GIVING THESE PART-TIME MEMBERS VOTING POWER, PARTICULARLY IN CASES WHERE THESE MEMBERS WERE DIRECTLY INVOLVED IN HEARING AN APPLICATION, THUS FOLLOWING THE PRINCIPLE THAT THOSE WHO HEAR SHOULD DECIDE.

WE SUPPORT THE RECOMMENDATION THAT THE CRTC SHOULD ADOPT A COMPLIANCE STRATEGY AS PART OF ITS REGULATORY AND SUPERVISORY ROLE WHICH WILL ENSURE THAT IT COSTS LESS FOR LICENSEES TO COMPLY THAN NOT TO COMPLY.

THE CRTC SHOULD KEEP ITS EXTENSIVE POWERS TO MAKE REGULATIONS ON ALL MATTERS WITHIN ITS JURISDICTION AND TO SET CONDITIONS OF LICENCE ON EACH LICENSEE, INCLUDING CONDITIONS THAT OBLIGE THE LICENSEE TO SPEND SPECIFIED AMOUNTS FOR SPECIFIC PURPOSES.

WE BELIEVE THAT THE RECOMMENDATION TO APPOINT A PUBLIC ADVOCATE IN EACH OF THE CRTC REGIONAL OFFICES WOULD CREATE AN ADDITIONAL COST, ADDITIONAL RED TAPE AND WOULD NOT PROVIDE ANY SERVICE WHICH CANNOT BE PROVIDED BY THE CRTC REGIONAL STAFF, OR BY ACCESS BY THE GENERAL PUBLIC TO THE PUBLIC HEARING PROCESS. THESE PUBLIC ADVOCATES CERTAINLY WOULD NOT REPLACE THE REGIONAL INPUT WHICH THE PART-TIME MEMBERS PRESENTLY PROVIDE.

THE CANADIAN BROADCASTING CORPORATION

THE AVAILABILITY OF MANY AMERICAN TELEVISION SIGNALS TO A LARGE PERCENTAGE OF THE CANADIAN POPULATION, THROUGH CABLE TELEVISION AND FROM SATELLITES, INCREASES THE IMPORTANCE OF LEAVING INTACT, IN A NEW BROADCASTING ACT, THE REQUIREMENT THAT THE NATIONAL BROADCASTING SERVICE BE PREDOMINANTLY CANADIAN IN CONTENT AND CHARACTER.

THE NEW LEGISLATION SHOULD PROVIDE SCOPE FOR CBC RADIO AND TELEVISION, ENGLISH AND FRENCH SERVICES TO DEVELOP ON THE BASIS OF DIFFERENT PROGRAM MANDATES, AUDIENCES AND FINANCIAL NEEDS. I SUPPORT THE RECOMMENDATION THAT THE NATIONAL SERVICE BE EXTENDED TO ALL PARTS OF CANADA IN A WAY THAT BRINGS THE FULL SCHEDULES OF THE SIX BASIC NETWORKS AS CLOSE AS POSSIBLE TO FULL AUDIENCE COVERAGE. PLANS SHOULD BE FORMULATED TO ACHIEVE THIS OBJECTIVE IN A DEFINITE PERIOD OF TIME. HOWEVER, EVEN IF THE ULTIMATE GOAL IS UNIVERSALITY OF THE 6 BASIC NETWORKS, PRIORITY SHOULD BE GIVEN TO THE EXTENSION OF THE ENGLISH AND FRENCH TELEVISION NETWORKS AND THE ENGLISH AND FRENCH A.M. RADIO NETWORKS IN ORDER TO AVOID USING TOO LARGE A PORTION OF LIMITED FINANCIAL RESOURCES ON ONE OF MANY SPECIFIC AND IMPORTANT GOALS.

IT IS INDEED ENCOURAGING TO NOTE THAT THE TASK FORCE HAS MADE A SPECIFIC RECOMMENDATION THAT EVERY EFFORT SHOULD BE MADE TO CORRECT THE UNACCEPTABLE SITUATION OF THE LACK OF FULL CBC ENGLISH LANGUAGE TELEVISION SERVICE IN NEW BRUNSWICK. THE RECENT APPROVAL BY THE C.R.T.C. OF AN APPLICATION BY MARITIME INDEPENDENT TELEVISION SHOULD PROVIDE A SERVICE FROM CHSJ-TV WHICH WOULD BE VERY CLOSE TO THE FULL ENGLISH TELEVISION NETWORK SERVICE.

HOWEVER, AS SIGNIFICANT AN IMPROVEMENT AS THIS WILL BE IT STILL FALLS SHORT OF THE OBJECTIVE OF REFLECTING THE CULTURAL DIVERSITY OF CANADIANS AND THE FLOW AND EXCHANGE OF INFORMATION AND EXPRESSION AMONG THE REGIONS OF CANADA, DUE TO THE LACK OF PRODUCTION FACILITIES OF THE ENGLISH CBC TELEVISION NETWORK IN NEW BRUNSWICK.

I AGREE WITH THE PRINCIPLE OF CONCENTRATING SOME PROGRAMMING AND PRODUCTION ACTIVITIES IN REGIONAL CENTRES SUCH AS MONCTON FOR THE FRENCH TELEVISION SERVICES OF THE CBC IN ATLANTIC CANADA AND HALIFAX FOR THE ENGLISH TELEVISION SERVICES OF THE CBC IN ATLANTIC CANADA. HOWEVER, MORE ENGLISH LANGUAGE PRODUCTION MUST TAKE PLACE IN NEW BRUNSWICK.

LEGAL STATUS AND ROLE OF CABLE TV

CABLE TELEVISION IS NOT RECOGNIZED AS SUCH IN THE EXISTING BROADCASTING ACT. HOWEVER, IT IS A VERY IMPORTANT PART OF THE CANADIAN BROADCASTING SYSTEM AND HAS A SIGNIFICANT ROLE TO PLAY. THEREFORE CABLE TELEVISION AND ITS MANDATE MUST BE DEFINED CLEARLY IN A NEW BROADCASTING ACT.

FOR MANY YEARS, THE PROVINCE OF NEW BRUNSWICK HAS SUPPORTED THE EXTENSION OF CABLE TELEVISION SERVICES THROUGHOUT THE PROVINCE IN ORDER TO PROVIDE A GOOD VARIETY OF TELEVISION PROGRAMMING WHICH COULD NOT BE OBTAINED OFF-AIR. WE WILL CONTINUE TO SUPPORT THE EXTENSION OF CABLE SERVICES TO THE LESS DENSELY POPULATED AREAS OF OUR PROVINCE. THE RAPID EMERGENCE OF TELEVISION NETWORKS AND SERVICES FROM CANADA AND OTHER COUNTRIES CERTAINLY JUSTIFIES A REVIEW OF CABLE TIERING AT THIS TIME.

I FAIL TO SEE THE NECESSITY TO HAVE SEPARATELY LICENSED ENTITIES FOR 1) RETRANSMITTING BROADCASTS, AND 2) FOR ORIGINATING AND TRANSMITTING COMMUNITY PROGRAMMING AND NON-PROGRAMMING SERVICES. THE EXISTING CABLE OPERATORS HAVE DONE A VERY GOOD JOB OF PROVIDING A COMMUNITY CHANNEL AND MAKING IT ACCESSIBLE TO THE LOCAL POPULATION. THIS AVAILABILITY OF A COMMUNITY CHANNEL MAY BE LOST IF THE CABLE OPERATOR IS NOT REQUIRED TO PROVIDE IT.

THE RATES CHARGED BY CABLE COMPANIES FOR BASIC SERVICE SHOULD CONTINUE TO BE REGULATED BY THE CRTC. HOWEVER, ANY INVOLVEMENT IN COST SEPARATION FOR THE FAIR ALLOCATION OF COSTS TO BASIC, DISCRETIONARY AND ANY OTHER SERVICES SHOULD BE KEPT TO A MINIMUM AND ONLY UNDERTAKEN WHEN ABSOLUTELY NECESSARY. RATES CHARGED FOR DISCRETIONARY SERVICES AND NON-PROGRAMMING SERVICES SHOULD BE MARKET-DRIVEN IN THE TRUE SPIRIT OF COMPETITION.

A HEALTHY CANADIAN BROADCASTING INDUSTRY CAN AND MUST PROVIDE A VERY GOOD QUALITY OF CANADIAN PRODUCTION WHICH HELPS TO UNITE OUR COUNTRY THROUGH A PROPER REFLECTION OF OUR VARIOUS REGIONS ON A NATIONAL BASIS. GOOD QUALITY CANADIAN PRODUCTION DOES NOT MEAN A TONED DOWN VERSION OF WHAT IS PRODUCED IN THE UNITED STATES; IT MUST BE DISTINCTIVE AND PROVIDE A TRUE ALTERNATIVE.

THE GOVERNMENT OF NEW BRUNSWICK LOOKS FORWARD TO FURTHER CONSULTATION AS THE NEW BROADCASTING ACT IS FORMULATED.

